

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHAIM HERMAN AKA CHARLES HERMAN,  
ESTEEM PRODUCTION LLC

Index No. 7:19-CV-02816

Plaintiff(S),

-against-

FEDEX FREIGHT

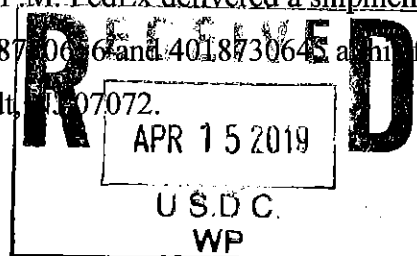
**AMEDNED COMPLAINT**

Defendant(s)

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Plaintiff, CHAIM HERMAN, respectfully alleges, upon information and belief as follows:

1. That at all times herein mentioned, Plaintiff CHAIM HERMAN, was and is a natural person residing in the State of New York, County of Rockland, with an address of 6 Medical Park Drive, Ste 104, Pomona, NY 10970.
2. That at all times herein mentioned, Plaintiff Esteem Production LLC, was and is a New York Corporation residing in the State of New York, County of Rockland with an address of 6 Medical Park Drive, Ste 104, Pomona, NY 10970.
3. At all times herein mentioned, the defendant FEDEX FREIGHT ("FedEx") was and is a Corporation duly organized and existing under the laws of the State of Delaware, but licensed to do business and doing business in the State of New York and the State of New Jersey.
4. That Fedex Freight have offices at 105 Duance Street, New York, NY.
5. On or about September 25, 2018 around 3:58 P.M. FedEx delivered a shipment for Chaim Herman with the tracking number 4018730646 and 4018730645 at his fulfillment center located at 130 Moonache Ave, Carlstadt, NJ 07072.

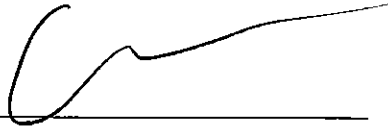


6. Upon inspection prior to shipping from sender, the shipment had no damages and all items accounted for.
7. Inspection of the shipment upon receipt from FedEx revealed that Defendants wrongfully and negligently conducted themselves in the shipment and delivery of the Products, such that there were missing units and were lost by Defendants.
8. The missing units were a total of Thirty One (31) I phones totaling the valued amount of \$26,477.10
9. As a result of Defendants negligence in the delivery of products, Plaintiff has been damaged in the sum of Twenty Six Thousand Four Hundred Seventy Seven Dollars and Ten Cents (\$26,477.10).
10. Plaintiff is damaged in the amount One Hundred Eighty Four Thousand Dollars (\$184,000.00) from the loss of sales and contracts because Defendant lost the items to be sold to Plaintiff's contractors and clients.

**WHEREFORE**, Plaintiff Chaim Herman demands judgment against the Defendants as follows:

- 1) The Sum of \$26,477.10 plus interest from September 25, 2018 and costs and disbursements of this action, and
- 2) The Sum of \$184,000.00 in monetary damages and
- 3) For such other and further relief as this Court seems just, proper and equitable.

Dated: Pomona, NY  
April 11, 2019

  
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CHAIM HERMAN  
*Pro Se*  
6 MEDICAL PARK DRIVE STE 104  
POMONA, NY 10970